

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, October 13, 2020 at 6:00 P.M.**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, October 13, 2020, at 6:00 P.M. by Zoom Video Conferencing.

CALL TO ORDER –Mayor Von Gausig called the meeting to order at 6:01 P.M.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Bill Regner
Councilmember Scott Buckley
Councilmember Debbie Hunseder

Town Staff:

Town Manager Tracie Hlavinka
Public Works Director Maher Hazine
Community Development Director Ruth Mayday
Police Chief Randy Taylor
Town Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

Danny Brown, Clarkdale-Jerome School District Superintendent, addressed Council regarding the override renewal election.

REPORTS

Current Events – The reports of the Town Hall business related activities will be submitted digitally and posted in the Council Agenda portion of the website for the following:

Mayor's Report
Vice-Mayor's Report
Councilmembers' Report
Town Manager's Report

All reports are included in the official Council meeting record.

Organizational Reports – Reports regarding regional organizations submitted digitally for the following:

CAT – Cottonwood Area Transit – No report
VVTPO – Verde Valley Transportation Planning Organization – No report
NACOG - Northern Arizona Council of Governments – submitted electronically
NAMWUA - Northern Arizona Municipal Water Users Association – No report
VVREO – LRSPC - Verde Valley Regional Economic Organization's Long Range

Strategic Plan – No report

TPAC – Transportation Policy Advisory Council – No report

Regional reports that have been submitted to the Clerk are included in official record.

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held September 8, 2020, and Special Meeting held September 22, 2020.
- B. Claims** - List of specific expenditures made by the Town during the previous month. September, 2020 check log and PPE dated August 29, 31 and September 12 and 14, 2020.
- C. Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month's Board and Commission Meetings.

Design Review Notice of Cancellation of meeting September 2, 2020; minutes of meeting held September 16, 2020
Planning Commission Notice of Cancellation of meeting September 15, 2020
Parks and Recreation Commission minutes of meeting held September 9, 2020
- D. Extra Mile Day Proclamation** – Approval of a proclamation honoring all those who have gone the "extra mile" in service to their communities.
- E. Resolution Recognizing 2020 Arizona Cities and Towns Week** - Approval of Resolution #1635, a resolution to recognize 2020 Cities and Towns Week around the State of Arizona.
- F. Resignation of Design Review Board Members** – Acceptance of resignation of members of Design Review Board.
- G. Governor's Office of Highway Safety DUI Impaired Driving Enforcement Grant** - Acceptance of non-match, Governor's Office of Highway Safety federal grant totaling \$4,000 from October 1, 2020 to September 30, 2021.
- H. Governor's Office of Highway Safety STEP Enforcement Grant** - Acceptance of non-match, Governor's Office of Highway Safety federal grant totaling \$7,000 from October 1, 2020 to September 30, 2021.
- I. Yavapai County Flood Control District IGA** - Approval of an intergovernmental agreement (IGA) for FY 2020-2021 in an amount not to exceed \$10,000 between the Town of Clarkdale and Yavapai County Flood Control District.
- J. Letter of Support Regarding Dark Skies** – Approval of a letter of support from the Mayor supporting the pursuit of "Dark Sky" designation by Montezuma Castle and Tuzigoot National Monument.

Action: Approve Consent Agenda items A – J as presented.

Motion: Councilmember Hunseder

Second: Councilmember Regner

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

NEW BUSINESS

CLARKDALE-JEROME SCHOOL UPDATE ON RE-OPENING – Clarkdale-Jerome School Superintendent, Danny Brown, will provide an update to the Council on plans for the school's re-opening.

Danny Brown, Clarkdale-Jerome School District Superintendent will provide information and updates on the school re-opening plans and options with respect to COVID-19 precautions.

Mayor Von Gausig opened the discussion to public comment.

Jane Henson, Clarkdale resident, asked how they handled staff protection and standards for kids who test positive. Superintendent Brown told her that face masks are required and they are looking into air purifiers for classrooms. He said he relies on the health department for guidance regarding testing and they tell parents whose children test positive that they must quarantine.

Action: This is a presentation only. No Council action is required.

TOWN MANAGER'S EVALUATION AS WRITTEN BY THE MAYOR – Discussion and consideration of the review of the Town Manager's Evaluation conducted on August 11, 2020, by Town of Clarkdale Common Council in Executive Session.

On August 11, 2020, the Town of Clarkdale Council conducted an evaluation of Tracie Hlavinka, Town Manager. This review is a discussion of the consolidation of all the Councilmembers' reviews from that evaluation and the overall Council assessment.

Action: Approval of Town Manager's evaluation as written by the Mayor.

Motion: Councilmember Buckley

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye

Mayor Doug Von Gausig	Aye
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INTERGOVERNMENTAL AGREEMENT (IGA) AMENDMENT #2 BETWEEN THE TOWN OF CLARKDALE AND THE ARIZONA BOARD OF AGENTS ON BEHALF OF ARIZONA STATE UNIVERSITY – Discussion and possible action regarding an IGA amendment with Arizona Board of Regents.

At the November 8, 2018, strategic planning meeting, Council directed staff to apply for the Arizona State University (ASU) Sustainable Project Cities Program. Since that time, staff has worked closely with students and faculty to deliver valuable research, solutions and a meaningful impact to Clarkdale. Last semester, students completed guiding principles and design concepts for the downtown area and the 89A corridor. This report will be utilized as an appendix to the General Plan.

Clarkdale has received lots of publicity through the Town's interaction in the Sustainable Project Cities Program. Last spring Clarkdale was praised for their partnership with the university. This fall, ASU faculty submitted the Guiding Principles and Design for the Downtown area and 89A Corridor to the Arizona Planning Association and received honorable mention. The project will also be submitted for a national award later this year.

In August, staff began communicating with ASU regarding their continued involvement in the program. At the September 8, 2020 Council meeting, Council approved the allocation of \$10,000 to proceed with the Town's participation this academic year. Discussions around possible projects continued with ASU. The university then went and started trying to match faculty and capstone students with several different topics which included: marketing, historic preservation, affordable housing analysis, sustainable park project, Bitter Creek Bridge engineering, and broadband. The Sustainable Project Cities administrator was able to match a class with the sustainable park project. The Bitter Creek Bridge, affordable housing, and broadband projects will be headed up by capstone and EPIC students.

Staff will be invoiced three times throughout the academic year. The first will be in November, the second will be shortly after the spring semester begins. A final invoice will not be sent till reports are delivered to the Town. This is the same payment method that was followed this past year.

Amendment #2 is in reference to the document noting the budget amount of \$10,000 for this fiscal year and also showing the total budget amount of \$20,000 not to exceed for the second term of the agreement. The \$20,000 is in reference to last fiscal year's \$10,000 and this fiscal year of \$10,000 with a sum total of \$20,000.

Town Manager Hlavinka presented information on this agenda item to Council.

Action: Approve the Intergovernmental Agreement Amendment #2 between the Town of Clarkdale and the Arizona Board of Agents on behalf of Arizona State University regarding the Sustainable Project Cities Program.

Motion: Councilmember Regner

Second: Vice Mayor Dehnert

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

WORK SESSION ON LOCAL ORDINANCE RELATED TO USE OF RECREATIONAL MARIJUANA – A work session to discuss the Council's position on a local ordinance related to the prohibition or regulation of the recreational use of marijuana.

The Town of Clarkdale was provided a model Ordinance from the League of Cities in response to the recent support for Proposition 207: Smart and Safe Act to legalize recreational marijuana. This Ordinance would either prohibit or regulate recreational marijuana establishments, including marijuana testing facilities, use of recreational marijuana on public and private property, establishing zoning for authorized retail sales and establishing fees and enforcement for violations and penalties.

Proposition 207: Smart and Safe Arizona Act has been placed on the November 3, 2020 general election ballot. This proposition contains provisions to authorize the possession, consumption, purchase, processing, manufacturing and transporting by an individual at least twenty-one (21) years of age.

Some cities and towns are concerned if they do not have an ordinance adopted to addresses the aforementioned items before the election, then there could be private property claims made against the city/town prohibiting these types of marijuana establishments should it become law. As of date, the Town of Clarkdale has Town Code (Article 10-2) that only addresses smoking as it pertains to medical marijuana. The Medical Marijuana Act, ARS Sections § 36-2801 et al., and Title 9, Chapter 17 of the Arizona Administrative Code allows the establishment and operation of nonprofit medical marijuana dispensaries in City/Town according to a prescribed statutory and regulated process.

An ordinance would need to address several items depending on if it was drafted to prohibit or regulate. If the ordinance is to prohibit, these items will need to be considered:

- Prohibiting marijuana establishments and/or testing facilities
- Prohibiting retail sale, cultivation, and manufacturing of marijuana or marijuana products
- Prohibiting marijuana on public property
- Prohibiting marijuana establishment for dual licensing (medical and recreational marijuana)
- Prohibit marijuana testing facilities
- Prohibiting marijuana use and cultivation in residential areas

If an ordinance is drafted to regulate recreational marijuana, these items must be considered:

- Amending Town Code to address articles pertaining to recreational marijuana

- Permit fees for marijuana establishments/testing facilities
- Retail sales from marijuana and marijuana products
- Violations for selling, cultivating, transporting, and processing
- Enforcement penalties

Currently, the Town Zoning Code provides the following definitions:

Medical Marijuana: All parts of marijuana as defined by A.R.S. § 36-2801(8), used pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.

Medical Marijuana Caregiver Facility: A facility assisting with the use of medical marijuana and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical Marijuana Cultivation: The growing of medical marijuana plants, as authorized by the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Medical Marijuana Processing Facility: A facility that: (i) engages in the growing of medical marijuana and/or incorporates medical marijuana into consumable or edible goods by the means of cooking, or blending; (ii) is operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures; and, (iii) is associated with a Medical Marijuana Dispensary.

Medical Marijuana Dispensary: A non-profit entity as defined in A.R.S. § 36-2801(11) , and operated by an individual or entity registered by the State of Arizona according to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including compliance with security measures.

Following are the Medical Marijuana uses and corresponding zoning districts that allow medical marijuana as either a permitted use or conditional use:

- 1) Medical Marijuana Caregiver Facility: *Conditional* in all residential zoning districts; requires business license
- 2) Medical Marijuana Dispensary in a storefront location: *Permitted* in Commercial and Central Business districts
- 3) Medical Marijuana Processing Facility: *Permitted* in Industrial

Should the Town Council direct the staff to draft an ordinance to prohibit/regulate these recreational marijuana establishments prior to the November 3, 2020 general election, language can be included that the Ordinance would not become effective unless the Smart and Safe Arizona Act becomes law.

If Proposition 207 passes, the Arizona Department of Health Services would have until April 5, 2021 to create and implement the adult-use marijuana regulations.

Staff is seeking direction from the Council to draft an ordinance to either prohibit or to regulate recreational marijuana establishments.

Town Manager Hlavinka presented information on this topic to Council which resulted in a discussion between Council Members, and, upon advice of the Town Attorney and with Council agreement, included the three Council-elect in attendance.

Topics discussed included environmental issues, child safety, and Town policy and procedures to be implemented regarding employees. Consensus was reached that the ordinance brought forward by staff would include a clause making the ordinance conditional based on the passage of Proposition 207. Council and Council-elect also agreed that regulation should run parallel with current Town regulations that deal with medical marijuana.

Consensus of Council and Council-Elect:

Marijuana Establishments	Regulate
Marijuana Test Facilities	Regulate
Retail Sale, Cultivation, Manufacturing	Regulate
Marijuana on Public Property	Prohibit
Marijuana Establishment for Dual License	Regulate
Individual's Primary Resident for Marijuana Personal Use	Regulate

Staff will draft an ordinance for Town Attorney Review. A second work session will be held on October 27th at a 6 p.m. meeting following a public hearing. Council-elect will be invited to participate. Council stated that the new Council will be the ones to pass the ordinance.

Action: This is a work session. No Council action is required.

ACKNOWLEDGEMENT OF PREVIOUSLY AUTHORIZED CONTRACT – Discussion and possible action regarding a previously staff-authorized contract with Red Rock Creative Concrete, LLC for Americans with Disabilities Act (ADA) ramps in the Downtown area for the amount of \$25,800 plus tax.

As part of the Downtown parking improvements, a series of ADA ramps were required at midblock. This work could not start until after the paving work had been completed on

Main Street and adjacent areas. This work is part of the USDA Grant awarded to the Town. Public Works staff reached out to several area contractors for quotes. Of the 4 contractors called, we have received quotes from only two contractors.

One quote was in the amount of \$6,150 per ramp (total \$36,900 plus tax). The second quote is in the amount of \$4,300 per ramp (total \$25,800 plus tax).

Based on the tight time frame we had based on completion of paving work and time frame for the USDA contract, we proceeded with awarding the work to Red Rock Creative Concrete, LLC in the amount of \$25,800 plus tax.

In compliance with Town Code, no contract of Twenty-five Thousand Dollars (\$25,000) or more shall be let except by the Council. As such, we are requesting Council post authorization approval.

Public Works Director Hazine presented this information to Council.

Action: Approve previously staff-authorized contract with Red Rock Creative Concrete, LLC for ADA Ramps in the Downtown area for the amount of \$25,800 plus Tax.

Motion: Councilmember Regner

Second: Councilmember Buckley

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

SINGLE SOURCE CONTRACT WITH VEOLIA WATER TECHNOLOGIES – Discussion and possible action regarding a single-source order with Veolia Water Technologies for replacement parts for the Water Reclamation Facility Tertiary Filter and authorize the Public Works Director to sign the Purchase Order in the amount not to exceed \$35,000.

As part of the construction of the water reclamation facility, WRF (Wastewater Treatment Plant), an activated sludge process was selected which involves a tertiary filter and chlorination for polishing in order to produce our A+ effluent we are permitted for.

As part of the enhanced effluent quality, tertiary treatment is required for purification of wastewater by removal of fine particles, nitrates, and phosphates (critical unwanted elements to ensure compliance with the regulatory requirements for the A+ effluent).

Based on the age of the plant and as with any mechanical equipment, rehab of equipment is periodically required. Currently, the tertiary filter at the WRF needs complete rehab to keep the facility in compliance with ADEQ requirements.

This tertiary filter is manufactured By Kruger. Veolia Water Technologies, Inc. is the only vendor for replacement parts. As such, a sole source justification exists to make a direct purchase.

In compliance with Town Code, no contract of Twenty-five Thousand Dollars (\$25,000) or more shall be let except by the Council. As such, we are requesting the Town Council authorize the purchase of the requested replacement parts in the amount not to exceed \$35,000.

Public Works Director Hazine presented information on this item to Council.

Action: Approval of a single source order with Veolia Water Technologies, Inc. dba Kruger Water Technologies, for replacement parts for the water reclamation facility tertiary filter and authorize the Public Works Director to sign the purchase order in the amount not to exceed \$35,000.

Motion: Councilmember Hunseder

Second: Councilmember Buckley

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

VERDE RIVER INSTITUTE REPORT - An update from the Verde River Institute on projects and issues that relate to the Verde River @ Clarkdale.

The Verde River Institute (VRI) is a 501(c)(3) non-profit organization committed to developing and facilitating the implementation of policies that help to ensure that the Verde River in central Arizona retains flows that will support sustainable, healthy and diverse economies and ecosystems.

VRI also helps policy makers understand the many complex water resource issues in central Arizona. They are committed to finding sustainable solutions for the human and natural worlds that depend on the Verde River to supply their needs. They are guided by the principle that responses to demands in the system should also increase the river community's intellectual, political, social, individual, natural, built and financial capital. According to their website, when this goal is realized, the system becomes robust, dynamic and sustainable.

The Vision of the VRI is: Connecting people and resources to promote a healthy, flowing Verde River and a stronger, greater Verde community.

Their Mission: Provide research and data, funding, policy expertise, education and consulting on diverse Verde River issues.

Clarkdale Mayor Doug Von Gausig serves as the Executive Director of the Verde River Institute. Instead of reporting on Verde River Institute topics during his Mayor's report, staff has suggested having a separate agenda item so that the public is more aware that information relating to the Verde River Institute's work will be presented. Mayor Von Gausig will provide on-going updates

and reports on Verde River Institute programs and projects that relate to the Verde River @ Clarkdale as part of this agenda item.

Mayor Von Gausig reported on the Ranger Program recent observations that many of the private parties that have been using the river for recreations are not local and also that there has been much less trash to be picked up than the amount of trash that accumulated initially.

He stated that the Verde River Institute has set up an inflation station with pump and solar panel for folks to pump up their boats and that there have been no negative impacts due to the recreational use of the river.

Councilmember Buckley reported on the many positive intangible economic aspects that have become apparent since the RAPS opened.

Peck's Lake: Mayor reported that there is only about 40 square feet of open water and the rest is dried out so there is much change to that ecosystem.

Action: This is a monthly, or as-needed, report and no Council action is required.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.


ADJOURNMENT: Without objection Mayor Doug Von Gausig adjourned the meeting at 8:08 P.M.

APPROVED:



Robyn Prud'homme-Bauer, Mayor

ATTESTED/SUBMITTED:



Mary Ellen Dunn, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 13th day of October, 2020. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 12th day of November, 2020.

SEAL



Mary Ellen Dunn, Town Clerk